HON'BLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE G. V.SEETHAPATHY

WRIT PETITION No. 14678 OF 2006

Between:

Minnikanty Paravaty and 44 others

……Petitioners

And

The District Collector and District Election Officer,
Prakasam District, Ongole and three others

……Respondents

:: ORDER ::

Counsel for the Petitioner : Satyanarayana Nimmagadda

Counsel for Respondent No.1 : Sri V.V.Prabhakar Rao

Counsel for Respondent Nos.2 to 5 : Government Pleader for Panchayat Raj

Dated: 28-07-2006

Per G.S. SINGHVI, CJ

In this petition filed on 14-07-2006, the petitioners have prayed for issue of a mandamus to the respondents to include their names in the voters list of Ramkuru Gram Panchayat and allow them to participate in the forthcoming elections.

Although no counter has been filed by either of the respondents, after hearing learned counsel for the parties and perusing the record, we are convinced that the petitioners have failed to make out a case for grant of relief in terms of the prayer made.

In paragraph 4 of the affidavit filed by petitioner No.2 Minnikanty Ramakrishna, the following averments have been made:

> "I further humbly submit that the petitioners submitted separate claims requesting for inclusion of their names in the voters list, to the 2nd respondent. 2nd respondent duly received the same, but did not conduct any enquiry nor did pass any others thereon. In support of their claims, petitioners submitted copies of documents such as house tax receipts, house hold supply cards, earlier voters list, title deeds and entries from Revenue records, telephone bills, Electricity bills and Education certificates and so on. I further humbly submit that I approached the 2nd respondent with a request to conduct enquiry and decide our claims as the forth coming Grama Panchayat Elections are nearing. The petitioners there upon approached the respondents 1 and 2 with a request to see that their claims are finalized. 2nd respondent stated that he was busy with election schedule. From such reply I understand that the 2nd respondent is acting in collusion with ruling Congress party workers. The 3rd respondent is also acting as such. Thus the respondents not only omitted our names from electoral rolls, but acting indifferently to consider our claims for inclusion in voters list."

In the context of the aforementioned averments, we asked learned counsel for the petitioners to disclose the date on which his clients are said to have lodged claims before Electoral Registration Officer under proviso to Section 11 of Andhra Pradesh Panchayat Raj Act, 1994 read with Rule 6 of the Andhra Pradesh Panchayat Raj (Preparation and Publication of Electoral Rolls) Rules, 2000 for inclusion of their names in the voters' list, but he could not refer to any document to show that his clients had, as a matter of fact, submitted applications to Electoral Registration Officer before 09-07-2006 i.e. the date on which State Election Commission notified elections for Gram Panchayats. It is thus clear that the petitioners have failed to discharge the primary burden which lay on them to substantiate their claim for inclusion of names in the voters list. Consequently, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, WPMP No. 18283 of 2006 filed for issue of interim direction to include the names of the petitioners in the voters' list is also dismissed.

G.S.SINGHVI, CJ

Dt.28.7.2006

G.V.SEETHAPATHY,J

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